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This proposal, as far as it goes, is unexceptionable.

What is missing is protection against price gouging by court reporters. In Oakland County in particular, the circuit court has given exclusive rights to transcribe video records to a single firm of court reporters, which, beyond the statutory maximum fees of \$1.75 per original page and \$0.30 per copy, tack on \$25 charges for filing a reporter's certificate of ordering transcript (COA Form 501), another \$25 for filing a reporter's certificate of filing transcript (COA Form 502), and a \$10 shipping charge for each transcript. These surcharges are not allowed by statute and represent an attempt to increase charges for services included as part and parcel of transcription—after all, if a transcript is prepared, it must be filed, so \$10 to cover postage, when such service should be included as part of transcription, is not legitimate. Similarly, a court reporter has official duties connected to transcript preparation that are inherent in the transcription process. MCR 7.210(B)(3).

In Oakland County, also, the designated reporting firm charges more than the statutory rate for any transcript to be prepared in less than 4 weeks, although, again, in some cases the reporter has a legal obligation to do so, and the law does not authorize a higher rate. MCR 7.210(B)(3)(b)(i) and (ii). In a related vein, the statute provides that where an expedited transcript is prepared, the charge per page goes from \$17.5 to \$3.00; yet in Oakland County, the designated reporting firm charges from \$3.50 per page to \$8.00 per page depending on whether the transcript is requested in 6-10 days or overnight (with varying amounts for intermediate time frames). Again, these charges are contrary to statute.

Accordingly, inasmuch as the Court is addressing the subject of video and electronic recording and transcription, it is past time to correct existing abuses by also clarifying and amending MCR 8.109(E) and administratively acting to assure the enforcement of the existing part of the rule specifying that "The reporter or recorder is entitled to receive the compensation prescribed in the statute on fees from the person who makes the request" and to prevent the piling on of additional, statutorily-unauthorized charges.

It may seem that the practicing bar should be able to protect itself, but that is not true as a practical matter. If we protest the illegal charges, the reporters refuse to accept our transcript orders until we agree to pay what they demand. If we were to protect to Oakland Circuit, we'd be reviled for upsetting the apple cart. Only this Court can see to the proper implementation of the statute regulating the fees and charges of court reporters.

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